

Exhibit 3

From: Kendall, Michael
Sent: Sunday, February 23, 2020 9:52 PM
To: Rosen, Eric (USAMA); Malkiel, Yakov; O'Connell, Justin (USAMA); Wright, Leslie (USAMA); Kearney, Kristen (USAMA)
Cc: Tomback, Andrew
Subject: RE: US v. Sidoo et al., No. 19-cr-10080

We will file our motion Monday or Tuesday. Judge Kelley is looking at the Brady issues now, and we think it most helpful for her to be able to review everything together.

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From: Rosen, Eric (USAMA) <Eric.Rosen@usdoj.gov>
Sent: Friday, February 21, 2020 5:31 PM
To: Malkiel, Yakov <yakov.malkiel@whitecase.com>; O'Connell, Justin (USAMA) <Justin.O'Connell@usdoj.gov>; Wright, Leslie (USAMA) <Leslie.Wright@usdoj.gov>; Kearney, Kristen (USAMA) <Kristen.Kearney@usdoj.gov>
Cc: Kendall, Michael <michael.kendall@whitecase.com>; Tomback, Andrew <andrew.tomback@whitecase.com>
Subject: RE: US v. Sidoo et al., No. 19-cr-10080

We will do our best, but we will probably need more time. Thanks

Eric S. Rosen
Assistant United States Attorney
District of Massachusetts
Tel: +1 617 748 3412
E-Mail: eric.rosen@usdoj.gov

From: Malkiel, Yakov <yakov.malkiel@whitecase.com>
Sent: Friday, February 21, 2020 5:29 PM
To: Rosen, Eric (USAMA) <erosen2@usa.doj.gov>; O'Connell, Justin (USAMA) <JOconnell@usa.doj.gov>; Wright, Leslie (USAMA) <LWright4@usa.doj.gov>; Kearney, Kristen (USAMA) <KKearney@usa.doj.gov>
Cc: Kendall, Michael <michael.kendall@whitecase.com>; Tomback, Andrew <andrew.tomback@whitecase.com>
Subject: RE: US v. Sidoo et al., No. 19-cr-10080

Eric (and all), we ask that you please respond to our February 14th request by Monday (the 24th). If the parties are not in agreement, we need to bring the issue to Judge Kelley without delay. Thanks and have a nice weekend.

Yakov Malkiel | Associate
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From: Malkiel, Yakov
Sent: Friday, February 14, 2020 9:12 AM
To: 'Rosen, Eric (USAMA)' <Eric.Rosen@usdoj.gov>; O'Connell, Justin (USAMA) <Justin.O'Connell@usdoj.gov>; Wright, Leslie (USAMA) <Leslie.Wright@usdoj.gov>; Kearney, Kristen (USAMA) <Kristen.Kearney@usdoj.gov>
Cc: Kendall, Michael <michael.kendall@whitecase.com>; Tomback, Andrew <andrew.tomback@whitecase.com>
Subject: RE: US v. Sidoo et al., No. 19-cr-10080

Eric, thanks. Your letter states that you have produced all "documentary evidence" responsive to our requests. The letter also provides certain non-documentary evidence (i.e., information from witness interviews). Could you let us know whether there is any non-documentary evidence responsive to our requests that the government is withholding?

To state the obvious, we are asking because, although you state that you are abiding by your discovery obligations, you do not acknowledge that our requests concern evidence that would be material and favorable to our client. We therefore have no way of knowing whether motion practice is necessary, or whether there is simply no responsive information in the government's possession.

We are all conscious of Judge Sorokin's ruling that the Office only recently failed to disclose exculpatory evidence based, in part, on an erroneous claim that the evidence was "impeachment" material only. We would like (and are required by the Local Rules) to narrow or resolve our requests through a dialogue. To do so, we need to know whether any information responsive to our requests exists other than the information you have disclosed.

Because (as you mention) the government's Brady obligation is a continuing one, we would rely on the government to update any representation you may provide if and when that representation becomes outdated.

Thanks again.

Yakov Malkiel | Associate

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From: Rosen, Eric (USAMA) <Eric.Rosen@usdoj.gov>

Sent: Wednesday, February 12, 2020 10:58 AM

To: Malkiel, Yakov <yakov.malkiel@whitecase.com>; O'Connell, Justin (USAMA) <Justin.O'Connell@usdoj.gov>;

Wright, Leslie (USAMA) <Leslie.Wright@usdoj.gov>; Kearney, Kristen (USAMA) <Kristen.Kearney@usdoj.gov>

Cc: Kendall, Michael <michael.kendall@whitecase.com>; Tomback, Andrew <andrew.tomback@whitecase.com>

Subject: RE: US v. Sidoo et al., No. 19-cr-10080

Please see attached response.

Eric S. Rosen

Assistant United States Attorney

District of Massachusetts

Tel: +1 617 748 3412

E-Mail: eric.rosen@usdoj.gov

From: Malkiel, Yakov <yakov.malkiel@whitecase.com>

Sent: Tuesday, January 28, 2020 1:56 PM

To: Rosen, Eric (USAMA) <erosen2@usa.doj.gov>; O'Connell, Justin (USAMA) <JOconnell@usa.doj.gov>; Wright, Leslie (USAMA) <LWright4@usa.doj.gov>; Kearney, Kristen (USAMA) <KKearney@usa.doj.gov>

Cc: Kendall, Michael <michael.kendall@whitecase.com>; Tomback, Andrew <andrew.tomback@whitecase.com>

Subject: US v. Sidoo et al., No. 19-cr-10080

Counsel, please see the attached letter. Note that, for scheduling reasons, we are requesting at least an initial response as soon as possible. Thanks very much.

Yakov Malkiel | Associate

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